



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 9, 2021

Emailed to:

In Reply Refer to:

EPA Complaint No. 02R-21-R5

Kirsten Wallace
Executive Director
Upper Mississippi River Basin Association
7831 East Bush Lake Road
Bloomington, MN 55439
kwallace@umrba.org

Re: Informal Resolution/Tolling of Investigative Timeframe

Dear Executive Director Wallace:

This letter concerns EPA Complaint No. 02R-21-R5, which was accepted for investigation on July 9, 2021.¹ The U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) is required by regulation to seek cooperation with recipients in securing compliance with 40 C.F.R. Parts 5 and 7 through informal and voluntary means.² The process of developing and executing an Informal Resolution Agreement (IRA) was described to the Upper Mississippi River Basin Association (UMRBA) and its counsel, Susan Ellingstad, during a telephone conversation on July 21, 2021. ECRCO received correspondence from you on July 30, 2021, informing our office that UMRBA has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of July 30, 2021, ECRCO and UMRBA have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its formal investigation and toll the 180-day investigation and preliminary findings timeframe in 40 C.F.R. § 7.115(c)(1), for the duration of the informal resolution agreement process. ECRCO will ensure that this process occurs without undue delay.

If the informal resolution process fails to result in an IRA between ECRCO and UMRBA, ECRCO will notify UMRBA that ECRCO has resumed its formal investigation and will issue preliminary findings within 180 days of the start of the investigation – excluding any days spent in the informal resolution agreement process.³ To facilitate the informal resolution agreement

¹ The Complainant in this case is American Rivers.

² See 40 C.F.R. § 7.105 (EPA "shall seek the cooperation of applicants and recipients in securing compliance with" 40 C.F.R. Part 7); and § 7.120(d)(2) (EPA "shall attempt to resolve complaints informally whenever possible.").

³ See 40 C.F.R. § 7.115(c).

process, we will soon be providing you with a draft IRA for review and consideration.

If you have questions about this letter, please feel free to contact me at (202)564-9649, or by email at dorka.lilian@epa.gov, or Brittany Robinson, ECRCO Case Manager, at (202)564-0727 by email at robinson.brittany@epa.gov.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights & Finance Law Office

Cheryl Newton
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 5

T. Leverett Nelson
Regional Counsel
US EPA Region 5

Edward H. Chu
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 7

Leslie Humphrey
Regional Counsel
US EPA Region 7